10 PAGES -LAST EDITION

MONDAY JUNE 24 1907 SALT LAKE CITY UTAH

FIFTY-SEVENTH YEAR

DARROW OPENS FOR HAYWOOD

SaysHawley of Prosecution is Godfather of Western Federation of Miners.

ORCHARD GREATEST OF LIARS.

Will Show That He Did Not Participate in Most of Crimes He Boasts Of.

Defendant is a Plain, Blunt, Courageous Man Who Fights Wrong At All Times.

Boise, Ida., June 23 .- The Haywood trial was resumed at 10 this morning, when Clarence Darrow began the opening address in behalf of the defense.

A great crowd gathered this morning in the room where Wm. D. Haying in the room where Wm. D. Hay-wood is on trial, to hear the speech of Clarence Darrow, of Chicago, outlining the purposes of the defense in combating the evidence put in by the state. The formalities of opening the session at an end, Mr. Darrow at once took up his place directly in front of the 12 solemn-visaged men in the jury box and began in the slow, mellow drawl characteristic of him to state the theory and plan of the defense to be offered for his client.

DARROW TO THE JURY.

Mr. Darrow reminded the jurors of the instruction given them by the court that they are to keep their minds en-tirely open as to the guilt or innocence of the accused man until all the evi-dence from both sides has been intro-duced.

detice from both sides has been introduced.

"You have listened to the theory and the evidence of the state," Mr. Darrow proceeded. "Mr. Hawley has covered a wide ground in his opening for the state and we will have to meet him step by step. The defendant here is charged nominally with the murder of former Gov. Steunenberg. There had to be some nominal charge. But the state has told you the case rests upon a great conspiracy of which the defendant among others is a part.

"The state's attorney has told you the murder of Gov. Steunenberg was but an incident. They have told you the Western Federation of Miners was an organization to commit murder, to control politics, to hire lawyers and other criminal things.

"Part of this is true; part of it is not true. It is true there is a labor organization know as the Western Federation of Miners. It is true the Western Federation of Miners has spent money for lawyers. It was unfortunate, but most people have to employ lawyers at some time or another.

most people have to employ lawyers at some time or another.

BIRTH OF THE FEDERATION.

"This organization was really born in 1892-1893, right down in a cell be-neath this courtroom where Ed Boyce, the first president, was a prisoner, and where now the three men, charged with where now the three men, changed with this murder, are awaiting the judg-ment of this jury. To start out with, they hired lawyers and they hired the best they could. They hired Mr. Haw-ley, now the leading counsel for the state. Mr. Hawley laid out the plan of their organization for them; he ad-vised them; he was the godfather of the Western Federatlon of Miners and the men who formed the organization the men who formed the organization thought it was an innocent undertak-ing. Mr. Hawley was their first at-torney and continued as their attorney for a long time. If there was any-thing criminal in their appropriating money for a lawyer the miners did not WHAT IT IS.

"The Western Federation of Miners is an industrial, not a murderous oris an industrial, not a murderous organization. It has from time to time taken a hand in politics, but we are not going to hang every organization which has done such a thing. If we did, no corporation would be safe. The Western Federation of Miners did all it could to pass the eight-hour law in Colorado, Utah, and Montana. It tried to elect friendly United States senators. It tried to elect Mr. Hawley but unfortunately failed."

ley, but unfortunately failed."
Mr. Darrow went on to say that there was no claim that the Western Federation of Miners was an organization of

"Angels do not work in the mines," declared the attorney; "they are the mine-owners.

Mr. Darrow went on at length to out Mr. Darrow went on at length to outline the organization of the Western Federation of Miners. He declared it was nothing but a beneficial association, trying to uplift its class. It was not until 10 years after the organization of the union that either Haywood or Moyer took office in it.

NOT HERE TO APOLOGIZE.

"We are not here to apologize for anything the Western Federation of Miners has done," declared Mr. Dar row. "It has been a fighting organization from the first and if it dies it will be a been a fighting organization from the first and if it dies it will be a been a fighting and the continuous formation." die a fighting organization. It has had a troublous career; it has been opposed by every device of the mine-owners, but it has prespered. Before the West-ern Federation of Miners came into existence the miners had to work from 12 to 14 hours a day. When they want-ed food they had to buy it at the com-pany stores. When they were injured they were taken to the company hospitals where there was little difficulty in getting a statement releasing the company from all damage.

WORK OF THE UNION.

"The conditions are vasity different today. The Butte union alone has paid out more than \$1,000,000 to the widows and orphans of its members—this during the time this alleged criminal conservation."

of the time this alleged criminal conspiracy existed."

Mr. Darrow went at some length to show the trouble and opposition the union has hal since its inception. In some communities he declared the president of the organization when he went to visit the miners was refused both food and lodging by the mining companies.

Arrests have come thick and fast, the attorney continued. "Some of the charges were purely imaginary and in 99 cases out of 100 the men have not 99 cases out of 100 the men have not even been given the grace of a trial. As soon as the Western Federation of Miners was horn the mine-owners set about to destroy it and as the chief means of destruction they hired the Pinkerton detective agency with one McParland at its head. We will show you that this agency has been busy sleuthing, following, working and lying to get these men. We will show that they have hired detectives and placed them in positions of responsibility as secretaries and presidents of local unions, that these hired men constantly advised the miners to strike stantly advised the miners to strike and that when a strike was on they counselled violence, dynamite and mur-der. They did it at Telluride; they did

it at Cripple Creek and at many other places,

PINKERTON DETECTIVE AGENCY. "We will show that the Pinkerton detective agency, has been the chief factor in this case from the very beginning. They have organized themselves into a band to spread calumny against the Western Federation of Miners. We will show that in one case, when a cage fell, because of defective machinery and 16 men were killed it was laid to the Western Federation of Miners.

"The burning of the Moscow university was laid to the leader of the Western Federation of Miners, Every illegitimate child born west of the Mississippi has been wrapped in its twaddling clothes, hurried to Denver and laid on the doorstep of the Western Federation of Miners."

MINERS MAGAZINE.

MINERS MAGAZINE.

Mr. Darrow turned his attention to the Miners' Magazine. He said that probably many foolish and intem-perate things crept into it, but the editors had no college education and Moyer and Pettibone paid little atten-tion to it.

"We will read to you matter from the Miners' Magazine not introduced by the state. We will show that they did not advise violence, and that they counselled a wise administration and discussed the economic conditions temperately. Continuing Mr. Darrow said:

COEUR D'ALENE TROUBLE. "This brings us to 1899 and the troubles in the Coeur d'Alenes when troubles in the Coeur d'Alenes when Steunenberg was governor. The Western Federation of Miners was getting along all right. Then something happened. An irresponsible mob of 1,000 people made up of miners and merchants, preachers and hangers-on and everyone who wanted a ride went down and the Bunker Hill and Sullivan mines were blown up. The powder was furnished by a rival company. At that time Harry Orchard, who is in this case, has been there for a month carrying a union card. Jack Simpkins was in the Coeur d'Alenes.

d'Alenes.
"Then came the call for troops.
Rightly or wrongly, Steunenberg called
for troops. Jack Simpkins was arrested
and thrown into the 'bull-pen.' He was
maltreated. He was stood up at a post
by a colored soldier and a boyonet was
driven into his breast.

driven into his breast. HARRY ORCHARD.

"Harry Orchard was in the Coem d'Alenes, Harry Orchard was a cheap soldier of fortune, a strongstring gamsoldier of fortune, a strongstring gambler who had never done a day's work in his life. He owned a sixteenth share of the Hercules mine, but sold it because of his needs and continued his gambling. The mine didn't yield until 1901. But Orchard, hoping on, stayed around to get a share of the mine.

"We don't think that Orchard was at the Punker fell and Swillyan mill. We

"We don't think that Orchard was at the Bunker Hill and Sullivan mill. We will show that he did not participate in most of the crimes of which he has here boasted. I don't like to take any of the bloom off a peach like that, but while we will show that he is not the nurderer he boasts himself, we will compensate him by proving him to be the most monumental liar that ever existed.

WILL CONTRADICT ORCHARD.

WILL CONTRADICT ORCHARD.

"Before our first witness leaves the stand, gentlemen of the jury, we will convince you; we will even convince Mr. Hawley himself that this man Orchard has died about most of the essential points of his story. We will have from 25 to 30 witnesses who will take the stand and contradict this man absolutely. Some of these witnesses will be miners, but others will be eminently respectable people who have never done a day's work in their lives." Here as at other points in his speech Mr. Darrow's sarcasm caused wave after wave of laughter in the courtroom. Sometimes the bailiffs had to rap for order.

ORCHARD'S WANDERINGS.

Mr. Darrow briefly sketched the wanderings of Orchard as related by that witness himself. Orchard remained in the Coeur d'Alenes, he said, trying to regain possession of his one-sixteenth nterest in the Hercules mine until he was driven out by fear of arrest and confinement in the "bull-pen." = "Then be wandered from place to

Place, seldom working," said Mr. Dar-row. "He was a sort of gentlemanly miner who mined the miners. In 1902 he turned up in Cripple Creek. But from 1899 to 1902 this important American history is all

But from 1899 to 1902 this important personage in American history is all but lost to view. It is pretty certain, however, that during all that time he could be found in the backroom of some saloon gambling.

"If Orchard today held his one-sixteenth interest in the Herculese mine he would be worth half a million dollars; but I think he'd rather have what he's got because it is more valuable to the newspapers."

HAYWOOD IN SILVER CITY.

Mr. Darrow said that when Orchard left the Coeur d'Alenes after the blowing up of the Bunker Hill and Sulli van mill. Haywood was but a plair van mill, Haywood was but a plant, ordinary working miner in Silver City, Idaho, where he lived a greater part of his working life in the snow-capped mountains which can be seen from the Boise courtroom. It was not until 1901 that Haywood became secretary and treasurer of the Western Federation of Miners.

and treasurer of the Western Federation of Miners.

"That is a job," said Mr. Darrow, "which everybody believes there is money in except the man who holds it. It is like being mayor or senator.

"Moyer's position in 1899 was just as obscure as Haywood's, declared the miner's attorney, and as for Petibone, he was not even a miner at that time. He ran a little store down in Denver," continued Mr. Darrow, "selling clothes wringers, lace curtains, rugs, ver," continued Mr. Darrow, "selling clothes wringers, lace curtains, rugs, bibles and other novelties on the installment plan. Pettibone had been a miner in 1882 in the Coeur d'Alenes. He was arrested there and put in jall and my friend Mr. Hawley got him out. He then decided to quit minime."

HAYWOOD A UTAH MAN.

Mr. Darrow went on to describe the three defendants in the Steunenberg murder, in detail. He declared that Haywood was born in Utah—an American citizen whose forefathers came to America prior to the Revolution.

"He is a plain blunt courageous "He is a plain, blunt, courageous man," declared Mr. Darrow, "fighting the militis when necessary, fighting for the rights of the workingman; fighting for the protection of the widows and

orphans And Moyer. What of Moyer? A plain, blunt, honest man whose ancest ry were honest men. Moyer was th-man who as the head of the Westers read who as the least of the second ceivable fight as men like him, born of such stock, will always fight. Moyer was a men whose sturdy honesty and quiet bravery won the confidence and held the respect of every one.

WHAT ABOUT PETTIBONE? "And what about Petitione? George Petitione had never been a member before of the Western Federation of Miners. He had mined and then started his store. A happy, careless, sunny man with a laugh and a loke for everyone. There wasn't a man, woman or child on the street who was not his friend—not a lame dog or cat but could find a home in his woodshed. That was George Petitione. Petribone, the attorney said, was never connected intimately in any way with the Western Federation or its officers. "And what about Pettibone? George

ORCHARD IN CRIPPLE CREEK. Mr. Darrow then took up Orchard's

BAD COLLISION ON A SHARP CURVE

New York Central Passenger Train Crashes Into a Freight Train.

Smoking Car Telescoped-It is Explained That Freight Conductor Forgot Other Train Was Running.

Rochester, N. Y., June 24 .- Five persons were killed and a number more or less seriously injured last night upon the Auburn branch of the New York Central railroad, one mile east of Pittsford, when a passenger train crashed into a freight train. The collision took place on a sharp curve at a point known as Mitchell's farm. The smoking car was telescoped and three of the 16 passengers were instantly killed. Among the victims were a son of the engineer of the freight train, who was in the cab with his father, and who died this morning. and a brakeman. Engineer Lyong, who was brought to Rochester with

the dead and injured on a special train is not expected to live.

There are 12 injured in Rochester hospitals, all of whom with the exception of Lyons, are expected to recover. The passenger train had only been

running a short time, running on Saturdays and Sundays. It is expect-ed the conductor of the freight train forgot that the passenger train was running. THE DEAD.

Emmett Lyons, 14 years old, son of ames Lyons, engineer of freight train.

Miles S. Cutting, station agent at Railroad Mills.
B. H. Vrom, front brakeman.
J. B. McArthur, bridge foreman.
Unidentified man.

life at Cripple Creek, He declared that Orchard burned a saloon and high graded at the very outset of his career. He went into the story of the alleged attempt to wreck the train of the Florence & Cripple Creek railroad, which had falsely been laid to the Western Federation of Miners and declared the first time Haywood Mover. vestern receration of Miners and de-clared the first time Haywood, Moyer or Pettibone had seen Orchard was when the man came to Denver on a pass and on money issued by D. C. Scott, chief of detectives of the Flor-

ence & Cripple Creek rallroad.
"An oily, slimy fellow," Mr. Darrow termed the detective.
"Cripple Creek had become the Waterloo of the Western Federation of Miners in Colorado," said Mr. Darrow, "The organization had fine halls, cooperative stores, libraries. It was flourishing and doing something until it took a chance in going out to help the striking smeltermen in Colorado

Mr. Darrow said the attempt to wrec a train was a plot of the railway company and the Mine Owners' association to wreck the union. He said the defense would show that Orchard was constantly in company with the detectives of the railroad and the mine owners.

PRIVILEGES FOR ORCHARD.

"And while honest, hard-working miners were denied the privilege of passing the military lines, this leper Orchard went in and out as he pleased. General orders were issued that Harry

General orders were issued that Harry Orchard should go and come when he wanted to," said Mr. Darrow.

"We will show that Orchard came to Denver and formed a slight acquaintance with Haywood, Moyer and George Pettibone. Later Moyer went to Cripple Creek to attend the trial of some men charged with the weeking. some men charged with the wrecking of the train. There he met Orchard who ingratiated himself with Moyer who trusted him. Orchard gained Moy-

who trusted him. Orchard gained Moyer's confidence, but we will prove that Moyer never said the things to him that Orchard claims were sad. Moyer will tell you this himself.

"Then when Moyer went down to Telluride to visit the union there he took this man who had won his confidence along to protect him from the thurs of the mine-owners. No sooner, thugs of the mine-owners. No sooner, however, had Moyer arrived in Tellu-ride than he was arrested and thrown into the 'bull-pen' where he remained for many months, unable to take any part in any further conspiracies,

INDEPENDENCE DEPOT OUT-RAGE.

Taking up next the blowing up of the Independence depot, Mr. Darrow said he did not know whether Orchard said he did not know whether Orchard blew it up or not, but he was inclined to believe that he did not. The depot was a worthless building—a side track stop for working trains. "It wasn't worth a white chip," declared the attorney, "But the mine owners wanted the military back in the district and about the time that this depot was blown up the word had gone out that something was coming off. I won't say that the mine owners or detectives wanted to kill anybody at this depot Killing people was too mussy for them. This depot was worthless and unused. If the powder could be touchunused. If the powder could be touched off just before the train arrived and before the men got there, it wouldn't kill anybody but it would be and before the men got there, it wouldn't kill anybody but it would be another attempt in the line of the Wetern Federation of Miners to get rid of a lot of scabs. Following the explosion the town marshal sent for dogs to follow the trail from where a wire led to a chair rung. The dogs circled around awhile and went to the cottage of Al B. Moore. They were taken away and started out again and once more they came to Al B. Moore's house. Then other dogs were sent for and they took the trail down toward Colorado Springs. The man in charge called up K. C. Sterling, chief detective of the Mine Owners' association and told him the dogs were on a sure scent. But Sterling told him to call off the dogs that he knew who did it,

THE DOGS CALLED OFF. "The dogs were called off," said Mr. Darrow, "and Orchard came back to Denver and went where he willed without being arrested or molested in any

Describing the conditions which followed the explosion of the Independence depot. Mr. Darrow said that the secretary of the Mine Owners' association made a speech from a wagon denouncing the Western Federation of Miners, saying that now was the time to get rid of the organization. Just then a shot was fired.

"We will show that K. C. Sterling fired the shot," said the attorney, "and that it was the Isgnal for a general

fired the shot," said the attorney, "and that it was the Isgnal for a general sitimish. Many shots were fired and when the smoke cleared away two men lay dead. Two lawyers were

(Continued on page two.)

DEMURRAGE ON FISH CAPTURED HARRIMAN LINES

Figures Compiled Show a Distinctly Interesting State of Affairs on Big System.

FIVE PERSONS WERE KILLED. 3.632 CARS ARE DAILY HELD.

Shippers Fail to Unload That Number And Hold Them Every Day According to Statistics Compiled.

(Special to the "News.")

New York, June 24.-Figures com piled at the request of E. H. Harriman show the great extent to which Pacific coast shippers are delaying the unloading of freight cars urgently needed to move the record-breaking freight traffic on the Southern Pacific. The records of the principal California and Oregon shipping centers show that since April 1 an average of 3,332 cars per day were held overtime for unload-ing on the Harriman lines in this territory.

JUNE SHOWS IMPROVEMENT. JUNE SHOWS IMPROVEMENT.

From that date to May 1 conditions grew rapidly worse, but the June records show considerable improvement owing to the railroad's insistence that cars be released. Portland shippers on April 1 were holding 674 cars, which they had increased to 823 on May 1, and reduced to 216 by June 11. San Franisco, which had 1,860 cars tied up on April 1, was holding 2,358 May 1, and 1,640 June 12. Oakland's record was 494 for April 1, 429 for May 1, and 365 the middle of this month. Sacramento and Los Angeles shippers are holding 150 more cars now than on May 1.

WHAT IT REALLY MEANS.

WHAT IT REALLY MEANS.

The average number of cars so with-held from service aggregate over 20 per cent of the total new equipment bought by the Union Pacific and Southern Pacific for delivery up to July 1. This new equipment amounts to 8,000 cars for the latter system and 7,000 for the Union Pacific lines. The advantage shippers would derive from this large addition to the Harriman lines' equipment, involving an outlay of \$31,000,000, is materially offset by shippers' delays in unloading and releasing cars. The average number of cars so with-

UNFAIR TACTICS. Owing to the freight congestion four months ago when the Southern Pacific was loading 40 cars a day into San Francisco in excess of the number of cars unloaded, warning was given that embargoes or increased demurrage charges would be necessary if cars were not released more promptly. These warnings have been repeated more ately in other quarters, and the utmost effort is being made by the company to coure the co-operation loss shippers in getting the freest use of its cars, and to make shippers realize that the use of freight cars as storage ware-houses is unfair both to the railroad and to other shippers.

LINEMEN STRIKE NOT YET SETTLED

General Manager Murray Decides Not to Treat With the District Council.

FEARS POWER TO CONTROL.

Regards Present Strike as Breach of Faith and Wants Assurances That He Will be Protected.

While the strike clouds have cleared away from the mill men's horizon in Salt Lake, they still refuse to leave the headquarters of the electric line-

The hope for a settlement held ou by Charles A. Elmore's visit to this city from the San Francisco head-quarters came to a dismal end today in complete failure. Mr. Elmore met with General Monager Murray this morning, and received the company's answer to his attempt to open negotiations. It was a frank and flat footed denial of any possibility of making up an agreement with the district council of the union as a factor to it.

of the union as a factor to it.
Louis Lynn, district chairman, called
the strike for his district, without
waiting for the general authorities of the union to approve or disapprove, and in violation of the contract with the Bell company, its officials allege. This contract called for a yearly agreement to be self-renewing unless terminated by one party or the other by 60 days' notice in writing.

No such termination was made it is

No such termination was made, it is claimed, although the men declare that their request for a new agreement amounts to the same thing, and that it was presented in February, more than 50 days before the agreement was due

to run out.

It was to try and patch up affairs among the locals so that they would recognize the district council and agree to stay by its dictates, that Mr. Elmore went north two weeks ago. Since his return he has been seeking a hearing from the telephone company and this from the telephone company, and this morning he was notified by General Manager Murray that "events show that the district council is nat able to centrel the local unions, and has by no means their unanimous consent to represent them. Under these conditions the company does not care to consider an agreement to which the district nell is a party

council is a party.

The cigar makers' strike remains questiy in a state of peaceful sleep with the industry fled up completely beyond all hope of its being recalled except by a struggle to build up over again the trade prestige lost through the shut down.

WANTS \$1.500 DAMAGES.

Mrs. Amudsen Cannot Sleep Owing to Noise of W. P. Engines.

Martha Amudsen has brought an action against the Western Pacific to recover \$1,500 as damages. Mrs. Amudsen says she is unable to sleep owing to the excessive noise made by engines and trans passing her home and since the track has run within 30 feet of her yard her property has depreciated in value.

IN KITCHEN TAP

Champion Story of the Season Comes From Residence On Ninth East.

ALL PIPES WERE STOPPED UP.

But When the Outlets Were Opened They Each Gave up Some Portion of Young Trout.

> Here is the champion fish story for the vintage of 1907. The fish in question is not a large one, for it is only a two year old trout of seven inches in length, and the hero of the battle to capture it is Mrs. Lester Merrill of 333 South Ninth East street.

An affidavit of veracity accompanies the story and attached to it are exhibits A. B. and C. respectively, being the skin of the fish, a portion of its cooked flesh, and its backbone entire. The capture was made yesterday morning at the family home. The water supply came from the city mains, and the scene of activity was at the kitchen sink tap, the bath tub faucet, and the outlet from the hot water boiler near the kitchen range.

WATER TASTED FISHY.

It was 10 o'clock yesterday morning when Mrs. Merrill's attention was called to a "fishy" taste in the water by her young son, Lester. She told him he was imagining things, and went about her work until she needed some water for cooking. Then she turned the tap and found the pressure shut completely off. As the plumbing was newly put in, she feared there had been a break somewhere, and turned the water off at a stop cock controlling the house. Then she sent her little boy for the plumber while she went outside to try and get some water from the lawn bibb. None would flow from either, so going inside she turned on every tap in the house to prevent back suction in case the water had been turned off the mains. him he was imagining things, and

CAME THROUGH IN SECTIONS. They all remained empty for some They all remained empty for some time and then the tap in the bath room began to drip. Presently a solid substance put in its appearance and a whole skin of a fish burst through backed up by a good pressure of water. A few minutes later the kitchen tap began to show signs, of activity and bubbling through that came a complete back bone. The bath room wash lowl was next to indulge in fishing and its contribution was a collection of side fins that had been scraped off the and its contribution was a collection of side fins that had-been scraped off the sidin while the fish was being broken up under the head of pressure. Then came some more from a less expected place. The hot water tap began to pour out boiled fish, cooked perfectly, for it had gone the rounds of the hot water boiler and the water jacket in the range. After that bits of flesh continued to come from all the taps until the whole anatomy of the fish had been recovered. To make sure about it the taps were left running for an hour after the discovery was first made.

FISHING AT HOME.

The trout must have found its way into the mains alive, and met its death in the service pipe shortly before clogging up the intake to the Merrill residence, as it showed no signs of decomposition. In telling the story and backing it up with the exhibits, Mr. Merrill declares that he believes the fishing party of his wife in the kitchen water taps was more successful than that of any of the Waltonian desciples who vesterday whinned their way up who yesterday whipped their way up and down Parley's creek, or Mill creek

WILL ERECT NEW CHURCH.

Laying of Corner Stone Conducted by African Methodists.

The corner stone of the new African Methodist church on Sixth South street between Second and Third East streets, was laid yesterday afternoon with the address from Rev. P. A Simpkin of the Phillips Congregation al church. In his talk, Mr. Simpkin

said:
"One-half a century ago the colored race were held no better than straw for cattle, but now because of the sacrifice of the blood of a nation, it stands with its face toward the morning to receive the things that have uplifted mankind. In Jesus there is no free man or slave, no civilized man or barbarian, male or female. Christ is all in all and God is alike to all of them."

congratulate Sait Lake City or

"I congratulate Sait Lake City on this building. It is a good thing for the country just as it is a good thing for Salt Lake City.

The new church, which will cost \$6,000, is two stories high, and built of red pressed brick. The auditorium will occupy the uppre story, and the Sunday school and other rooms the ground floor. Much credit is given to the pastor, Rev. L. C. Bell, for his untiring efforts in raising funds to creet efforts in raising funds to erect

BINGLEY'S CAPTURE.

Three Jap Fishermen Minus Licenses Forfeit Their Bail.

and M. Mitsuana, not only broke the Sab bath yesterday, but they broke a state law as well. They went fishing in Beck'. as well. They went hading in Beck:

I Springs lake, and "Bill" Bingley
Japs caught fish, and Bingley caught
fishermen. The latter put up th
for appearance before Justice Dans
Smith, but when the cases were called
morning, the little brown men falled
unswer, and the bail was declared for
ed.

GARFIELD AT CHEYENNE.

Secretary and Party Given Reception At Wyoming's Capital (Special to the "News.")

Cheyenne, Wso., June 24. Secy Garfield of the interior department chief Forester Pinchot, Commissiones Rallinger of the general land office and Chief Hydrographer Newell ar-rived here last night and spent the day in conference with land office officials and citizens. The government officials were given a luncheon at the Cheyenne club which was attended by about 200 citizens. The land policies of the administration were referred to and the visitors learned that resolutions passed at Denver meeting last week protesting against the proposed

leasing and fencing of the unoccupied domain meet with the approval of people here.

OLD FOLKS DAY.

Gray-Haired Veterans Will Make Merry at Lagoon Tomorrow.

At 8:45 o'clock tomorrow morning, and again at 10 o'clock there will be excursion trains for the "Old Folks" of Salt Lake leaving Lagoon depot or the "Prettiest spot in Utah," where the old folks will hold their annual festival during the day. An claborate program has been prepared, and a big holiday is expected for those who attend,

NOT YET APPREHENDED.

Assailants of Dr. Jelvosek, Who Robbed and Mistreated Him, Still at Large,

The robbers who beat Dr. Jelvosek, an Austrian, insensible and then threw him in a pond near Murray Friday night, have not been apprehended yet, although the sheriff's office has deputies working dillsheriff's office has deputies working dillgently on the case. Owing to the fact that
the thugs set on the Austrian from bebind he is unable to aid the officers to
any extent by furnishing descriptions of
the men. As the pond into which he was
thrown is rather deep it is a wonder lie
did not drown as he was dazed and unable
to help himself. Jelvosek comes from a
distinguished family, his father being a
member of the legislative body of Austria
that corresponds to the United States senate. He came here from Butte, and was
traveling through Africa before coming to
America. He speaks very little English,
but explained to the officers that it was
the treatment he had received from the
thugs, rather than the loss of the \$400
they took from him, that hurt him.

FOR SELLING IMPURE FOOD B. D. Blackmarr Will be Tried for Al-

leged Violation of Ordinance. B. D. Blackmarr will have a hearing Smith, at 2 o'clock tomorrow, on a charge Smith, at 2 o'clock tomorrow, on a charge of having violated the city ordinances relating to impure foods. Inspector Frazier swore to a complaint, alleging that Mr. Blackmarr sold to a woman, the latter's name not being mentioned, kidneys that were totally unfit for use. Mr. Blackmarr appeared before Judge Smith this morning, having been notified that his presence was desired, and the hearing was set for the day and hour mentioned.

ARMOUR BROUGHT IN

Will be Made Party Defendant in Tainted Ducks Case.

ourt this morning, the complaint against V. H. Pitts, charged with a violation of W. H. Pitts, charged with a violation of the state pure food law, was dismissed. A new complaint will be drawn, covering the case, and the Armour Packing company will be made a party defendant. Mr. Pitts is the local manager of the concern, and it was thought by those responsible for the arrest that the company, and not an individual, should be called to account in the premises.

Mr. Pitts was accused of having sold to the Knutsford hotel a number of ducks that were found to be much tainted, and which were resurred to the wholesale house. State Food Inspector John Peterson swore to the complaint.

ROBBERY AT TUXEDO PARK.

Thieves Steal Thousands of Dollars Worth of Silver Plate.

New York, June 24 .- Tuxedo Park s much agitated over a daring robbery which has occurred within its exclu sive confines. Burglars entered the residence of W. B. Dinsmore, Jr., earning and stole silver plates valued at \$6,000 and two violins valued at \$5,000. The silver taken

Ins valued at \$5,000. The salver taken weighed about 350 pounds.

Investigation shows that the thieves carried their loot through the woods to the lake and ferried it across in one of Mr. Dinsmore's boats. From one of Mr. Dinsmore's boats. From there it is supposed the burglars took a wagon and went to Middletown.

Mr. Dinsmore entertained a large party of guests at dinner Saturday night and as it was late when the festivities concluded the family plate was not restored to the strong boxes immediately. In some way the thieves became possessed of this information and their raid followed. Many of the residents spent Sunday chasing around the country in their automobiles on a the country in their automobiles on a burglar hunt, but their efforts were

ACCUSES RUSSIA OF MURDER.

New York. June 24 .- The Wahrhelt (The Truth), a Yiddish newspaper and the organ of the Russian revolutionists in this city, makes the sensational accusation which it backs up with fac-simile copies of what pur-ports to be official letters, that the nisk, a revolutionary leader, on s steamer last winter and sacrificed the nisk, a revolutionary leader, on a steamer last winter and sacrificed the lives of three other passengers who occupied the same cabin. The paper declares that the murderer was Andrey Victorov, an agent of the Russian government. He was paid 3,000 rubles and received the title of "citizen of honor" for his work, the paper says. Louis E. Miller, editor of the Wahrheit announces that he is ready to show the originals of the letters of the officials which he publishes, but will not disclose how he obtained them. Tshernisk's body was found in his cabin when the steamer reached Antwerp. Three other persons who shared his cabin were also dead, but a fifth occupant had disappeared. The inquest developed that the men had been asphyxiated. The revolutionists say this was accomplished with poisonous gas which an assassin carried with him.

ANTI-AMERICAN AGITATION IN JAPAN CONTINUES.

Tokio, June 24.-Public excitement about the American question has almost passed away, but the agitation is still going on. It is mostly the work of politicians of the opposition, who are employing the question as a wespon of

employing the question as a weapon of attack upon the ministry.

The Progressives and a coterie of politiciaus called the "Daido club" will likely join hands in a combined attack on the ministry over the American question, their principal aim being to thereby strengthen their respective positions in the coming election of local assemblies, and also in the general election of next year. Their principal watchword is the diplomatic impotency of the Salonji cabinet, which has resulted they say, in suffering to compatriots in America and in inability to receive treatment worthy the subjects of a first-class power.

It is difficult to foretell how far they can succeed in stirring up the public.

can succeed in stirring up the public, but whatever attempts are made in the way of agitation, actual hostilities with the United States are not even dreamed of.

DONALDSON CASE IN COURT

One of Principals in Ten Thousand Dollar Robbery Scandal in Court.

TALESMEN BEING SELECTED.

But Two Left in the Jury Box When Judge Armstrong Announces Recess.

Is Evident That Majority of Jurors Questioned Have Decidedly Fixed Opinions Regarding the Affair.

The examining of talesman to sit through the Donaldson trial was commenced this morning in Judge Armstrong's court. The defendant "Doctor Jim" Donaldson, himself was there attired as nattily as ever and looking all spick and span. He was seated beside his attorney, S. R. King. Major M. A. Breeden was also present. District Attorney Fred C. Loofbourow conducted the questioning of talesmen for the state. The room was full of men of all ages, for the most part term jurors who may be called upon when jurors are excused from serving. A few of the ever present "curious" were scattered throughout the rows of jurors. It was evident from the start that some difficulty is to be encountered in filling the box as out of eight men questioned this morning but two were left when court took a recess at noon. The jurors announced they hold fixed opinions regarding the guilt or innocence of the defendant from reading the newspapers and from talking with others. The two men who remained in the box were

two men who remained in the box were Carl A. Schied of the board of underwriters of this city and Walter S. Atwood of Murray.

When the noon recess was called four men of the six called on the second drawing remained and Charles Caffall, a printer was being questioned. Two jurors had been excused, making the total number of talesmen excused during the morning, eight in all.

SELECTING A JURY,

SELECTING A JURY.

The examining of jurors to sit through the Donaldson trial began promptly at 16 o'clock. The room was filled with men of all ages to draw upon should difficulty be encountered in filling the box. Eight men filed into the box, and after some little preparation among attorneys for the state and defense, the examination began. The eight men who filed into the box as their names were called were George Margetts and Wm. H. Cameron of Salt Lake; Geo, W. Webster of Taylorsville, Walter S. Atwood of Murray, Geo. S. McAllister of Salt Lake, Nephi Vincent of South Jordan, and Carl A, Schied, and D. Foster of Salt Lake.

EXAMINATION BEGINS.

EXAMINATION BEGINS, Mr. Margetts was the first man questioned. Attorney S. A. King brought out, with no trouble, that the first man had a fixed opinion, so fixed, indeed, that any evidence which might be introduced would not change it. This opinion was reached, Mr. Margetts explained, after reading the Deseret News and Herald. Mr. Murgetts was excused after District Atty, Fred A. Loofbourow asked him several questions which brought out more strongly the "fixed ness" of his opinion re-

garding Donaldson's guilt CAMERON ALSO EXCUSED.

William H. Cameron, an employee of the Freed Furniture company, was the second talesman examined. He, also, said he holds a fixed opinion regarding the defendant's guilt or innocence (the talesmen were not required to state which belief they held). Mr. Cameron said he believed he would not and could not make an impartial juror. He was challenged by Judge King for the de-fense and was excused.

FIGHT OVER WEBSTER. George W. Webster of Taylorsville was the third man examined. He said he read of the McWhirter robbery and subsequent events in the Descret News and had a fixed opinion. He said it was so strong that he did not believe sitting through the trial would alter it. The district attorney took the juror in hand and brought out statements from him which indicated that he mighth change his coinion. Mr. Loofbourow resisted which indicated that he mighth change his opinion. Mr. Loofbourow resisted Judge King's challenge and was sustained. The attorney for the defense noted an exception and opened another line of questioning which proved Webster has his mind made up firmly despite his wavering statements. Judge King renewed his challenge and this time it was not resisted by Mr. Loofbourow. Webster was then excused,

ATWOOD IS ACCEPTED. Walter S. Atwood was the fourth man questioned. He thought he could reach an opinion after listening to the facts as brought out during the trial. Some time was consumed by Atty, King in going over the little points and at the conclusion of this questioning, Atwood stepped aside in favor with both state and defense.

PASSED FOR CAUSE.

George S. McAllister, manager of Z. C. M. I. shoe factory was the fifth man. His mind was fixed from reading the various papers and journals published in this city. Mr. McAllister said he believed he could ignore this opinion however; "I'd go by the exidence in court" he volunteered He this opinion however. "I'd go by the evidence in court," he volunteered. He was passed for cause.

VINCENT EXCUSED.

Nephi Vincent, a farmer of South Jordan, followed. Through reading the "News" and Tribune, he formed an opinion, he explained, which would need strong evidence to remove. He added that he would not care to be tried by jurers in his state of mind He was excused.

SCHIED GETS THROUGH

Carl A. Schied, with the board of fire underwriters of this city, was the seventh talesman. He answered Atry. King's questions in a manner satis-factory to state and defense. THREE MEN IN THE BOX.

William D. Foster was the eighth man. He said he read of the McWhirter case in all Sait Lake papers and also in the Denver papers. In sa define, he formed a very fixed opiniouone very hard to change. The talesman was challenged and excused. This left three men in the box, Carl Schied, George S. McAllister and Walter S. Atwood of Murray. An hour and a The war talk in some of the Amer-ican press is totally ignored here.